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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,543	02/20/2004	Stephen Cutler	CUTCP0103US	7433
23908 7590 11/27/2009 RENNER OTTO BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE NINETEENTH FLOOR CLEVELAND, OH 44115				
EXAMINER				
ORR, HENRY W				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/783,543

**Applicant(s)**

CUTLER ET AL.

**Examiner**

HENRY ORR

**Art Unit**

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 12-14, 16-28, 35-46, 48-50, 52-64 and 71-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-14, 16-28, 35-46, 48-50, 52-64 and 71-74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-849)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. This action is responsive to applicant's amendment dated 7/30/2009.
2. Claims 1-10, 12-14, 16-28, 35-46, 48-50, 52-64 and 71-74 are pending in the case.
3. Claims 11, 15, 29-34, 47, 51 and 65-70 are cancelled.
4. Claims 73 and 74 are newly added.
5. Claims 1 and 37 are independent claims.

#### **Applicant's Response**

Based on Applicant's amendments and remarks in Applicant's response dated 7/30/2009, the following objections and rejections previously set forth in Office Action dated 3/30/2009 are withdrawn:

- a) Objection to claims 3, 4, 39 and 40
- b) 35 U.S.C. 112 2<sup>nd</sup> Rejection to claims 1 and 37

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-10, 12-14, 16-19, 21-24, 26, 35-46, 48-50, 52-55, 57-60, 62 and 71-74 are rejected under 35 U.S.C. 102(b) as being anticipated by Dauerer et al. ("Dauerer"), Patent No. 5,841,435.**

Claim 1:

Dauerer teaches a virtual display and a virtual windows desktop system (see abstract) (**claim 1; i.e., a computer-readable medium storing a computer application workspace generation and navigation tool that comprises:**) Examiner interprets the virtual display to be the recited application workspace. Examiner interprets the virtual windows desktop system to be capable of functioning as a navigation tool (see col. 7 lines 19-42).

Dauerer teaches **computer code that generates a continuous logical application workspace that is larger in size than a physically viewable work area displayed on a physical computer system display, the continuous logical application workspace comprised of a plurality of logical screens** (see abstract, col. 4 lines 38-43, Figure 3)

Dauerer teaches **each logical screen has predetermined dimensions that are coextensive with the physically viewable work area on the physical computer system display such that each logical screen has dimensions that are the same as every other logical screen;** (see abstract, col. 2 lines 28-33, Figure 3)

Dauerer teaches that **the logical screens are arranged contiguously in predetermined locations in the logical application workspace such that the logical application workspace is a single and functionally continuous logical workspace**

**that is larger in size than the physical computer system display used to display the physically viewable work area; and computer code that displays one of the logical screens in the physically viewable work area of the computer system display** (see abstract, Figure 3).

Claim 2:

Dauerer teaches **code that logically associates a plurality of sub-application windows with respective locations of within the logical application workspace, the sub-application windows for displaying content of at least one open sub-application** (see col. 2 lines 23-26, col. 4 lines 33-35).

Claim 3:

Dauerer teaches anchoring an application object and dynamically sizing the virtual display (see col. 4 lines 63-67, col. 5 lines 35-40) (**claim 3; i.e., code that increases the number of logical screens when, by user action, one of the sub-application windows is moved to a new location outside the current dimensions of the continuous logical application workspace.**) Examiner interprets having an anchored application object (e.g. application window), while dynamically sizing the virtual display with a mouse as taught by Dauerer anticipates the recited claim 3.

Claim 4:

Dauerer teaches configuring the virtual display to any size (see col. 2 lines 41-45). **(claim 4; i.e., code that increases the number of logical screens add logical screens in a number that is in excess of that needed to accommodate the new location of the sub-application window)**

Claim 5:

Dauerer's Figure 3 illustrates **code that logically associates each sub-application window location with a logical screen of the continuous application workspace in which a majority of the sub-application window is disposed.**

Claim 6:

Dauerer teaches **code that stores an arrangement of sub-application windows locations disposed within the logical application workspace** (see col. 10 lines 3-13).

Claim 7:

Dauerer teaches **code that retrieves the stored arrangement of sub-application windows** (see col. 10 lines 3-13).

Claim 8:

Dauerer teaches **code that stores a layout of the continuous logical application workspace including a number and arrangement of screens and relative location of each sub-application window within the continuous logical application workspace** (see col. 7 lines 43-51, col. 9 lines 8-10).

Claim 9:

Dauerer teaches **code that retrieves the stored layout** (see col. 7 lines 59-63).

Claim 10:

Dauerer teaches **code that scales the continuous application workspace and sub-application windows to zoom the application workspace in or out** (see col. 5 lines 47-51, Figure 6).

Claim 12:

Dauerer teaches **code that, upon initiation of one of the sub-application windows, logically associates the sub-application window with a location within the continuous logical application workspace identified by user action** (see col. 2 lines 51-60).

Claim 13:

Dauerer teaches **code to provide the user with a user moveable placement means, wherein the location of a sub-application window within the continuous logical application workspace identified by user action corresponds to a location of the placement means relative to the continuous logical application workspace** (see col. 6 lines 20-29).

Claim 14:

Dauerer teaches **wherein the logical screens are contiguously arranged in a matrix** (see col. 4 lines 40-43, Figure 3).

Claim 16:

Dauerer teaches **code that increases the number of logical screens and a corresponding dimension of the continuous logical application workspace in accordance with a user action** (see col. 5 lines 40-46).

Claim 17:

Dauerer teaches **code that decreases the number of logical screens and a corresponding dimension of the continuous logical application workspace in accordance with a user action** (see col. 5 lines 40-46).

Claim 18:



Dauerer teaches **code that generates a navigation box that includes a representation of the continuous logical application workspace and of each logical screen within the workspace** (see col. 6 lines 20-29). Examiner interprets the reduced virtual display as taught by Dauerer to anticipate the recited navigation box of claim 18.

Claim 19:

Dauerer teaches **wherein the logical screen representations are arranged to have a topography corresponding to a topography of the logical screens** (see col. 6 lines 20-29).

Claim 21:

Dauerer teaches **code that logically associates a plurality of sub-application windows with respective locations within the continuous logical application workspace, the sub-application windows for displaying content of at least one sub-application** (see col. 2 lines 23-26, col. 4 lines 33-35).

Claim 22:

Dauerer's Figure 3 illustrates **code that logically associates each sub-application window with a logical screen in which a majority of the sub-application window is disposed and code that displays a representation of each sub-application window in association with the representation of the logically associated screen.**

Claim 23:

Dauerer teaches **code that moves a user selected sub-application window from a logically associated screen to another logical screen in response to user initiated movement of the corresponding representation of the sub-application window in the navigation box** (see col. 9 lines 51-56). Examiner notes that the reduced virtual display as illustrated in Dauerer's Figure 6 may be interpreted as the recited navigation box.

Claim 24:

Dauerer teaches **code that displays information relating to one of the sub-application windows in response to user action in connection with the representation of the one of the sub-application windows in the navigation box application** (see col. 6 lines 30-40; user authorizing display of content of the sub application windows).

Claim 26:

Dauerer teaches **code that generates the logical application workspace generates a plurality of logical application workspaces for the main computer application** (see abstract).

Claim 35:

Dauerer teaches **wherein the placement means is a placement pointer having a position that defines the location within the continuous logical workspace identified by user action** (see col. 2 lines 51-60).

Claim 36:

Dauerer teaches **wherein the placement means is a placement tool for marking the location within the logical workspace identified by user action** (see col. 2 lines 51-60).

Claim 73:

Dauerer teaches **code that, in response to a user input, changes the logical screen that is displayed in the physically viewable work area of the computer system display** (see col. 4 lines 44-48, col. 5 lines 63-67, col. 7 lines 25-31)

Claims 37, 38, 41-46, 48-50, 52-55, 57-60, 62, 71, 72 and 74:

Claims 37, 38, 41-46, 48-50, 52-55, 57-60, 62, 71, 72 and 74 are method claims and are substantially encompassed in manufacture claims 1, 2, 5-10, 12-14, 16-19, 21-24, 26, 35, 36 and 73 respectively; therefore the method claims are rejected under the same rationale as manufacture claims 1, 2, 5-10, 12-14, 16-19, 21-24, 26, 35, 36 and 73 above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 20, 25, 27, 28, 56, 61, 63 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dauerer as cited above, in view of Anderson of record.**

Claim 20:

Dauerer teaches restoring the virtual display from the reduced virtual display (i.e., navigation box) (see col. 10 line 2).

Dauerer fails to expressly teach **in response to user selection of one of the screen representations in the navigation box**, displays the corresponding screen on

the computer system display in the physically viewable work area defined by the main computer application (emphasis added).

However, Anderson teaches **code that, in response to user selection of one of the screen representations in the navigation box, displays the corresponding screen on the computer system display in the physically viewable work area defined by the main computer application** (see par. 5-6; Each button 110-116 may be clicked using a pointing device, such as a mouse, to bring up a virtual desktop associated with the clicked button.). Examiner interprets a button to represent a reduced logical screen of a virtual desktop.

It would have been obvious to one of ordinary skill in the art at the time the invention was to modify the logical screen of the reduced virtual display as taught by Dauerer to respond to a mouse click to bring up a virtual desktop as taught by Anderson to provide the benefit of quickly visiting the virtual desktop once a user has recognize the desired reduced virtual desktop screen (see Anderson; par. 5-6).

Claim 25:

Anderson illustrates a panel **from which a user can select one of the plurality of logical screens for display in the physically viewable work area defined by the main computer application** (see Figure 1C).

Both Dauerer and Anderson fail to expressly teach a drop down menu for performing the same function.

However, Examiner submits that it would have been obvious to one of ordinary skill in the art (i.e., computer programmer) at the time the invention was made to substitute the panel as taught by Anderson with a conventional drop-down menu. In other words, the drop down menu is merely a design choice chosen by the Applicant and does not patentably distinguish over the Anderson reference. **(claim 25; code that provides a drop down menu from which a user can select one of the plurality of logical screens for display on the computer system display in the physically viewable work area defined by the main computer application )**

Claim 27:

Dauerer fails to expressly teach each logical screen associated with a unique identifying feature.

However, Anderson teaches **wherein each logical screen is associated with a unique identifying feature** (see par. 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the logical screens of the virtual display as taught by Dauerer to include a unique identifying feature as taught by Anderson to provide the benefit of helping the user distinguish between the plurality of virtual desktop screens (see Anderson; par. 9-10).

Claim 28:

Dauerer fails to expressly teach each logical screen associated with a unique identifying feature.

However, Anderson teaches **wherein the unique identifying feature is selected from a background color, a background pattern and a combination thereof** (see par. 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the logical screens of the virtual display as taught by Dauerer to include a unique identifying feature as taught by Anderson to provide the benefit of helping the user distinguish between the plurality of virtual desktop screens (see par. 9-10).

Claims 56, 61, 63 and 64:

Claims 56, 61, 63 and 64 are a method claims and are substantially encompassed in manufacture claims 20, 25, 27 and 28, respectively; therefore the method claims are rejected under the same rationale as manufacture claims 20, 25, 27 and 28 above.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-10, 12-14, 16-28, 35-46, 48-50, 52-64 and 71-74 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **HENRY ORR** whose telephone number is (571)270-1308. The examiner can normally be reached on **Monday thru Friday 8 to 4**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

11/11/2009  
HO

/William L. Bashore/  
Supervisory Patent Examiner, Art Unit 2175